

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 1, 1933.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; absent, none.

The Minutes of the last regular meeting were read and Councilman Gillis moved the adoption of same as read. The motion was seconded by Councilman Wolf and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor stated that the next order of business would be the inauguration of the City Manager-elect, Mr. Guiton Morgan, whose nomination was confirmed at the regular meeting of the City Council on the 18th ultimo, to become effective on this date. The City Attorney then administered the oath of office to the said Guiton Morgan and he was declared the duly elected and qualified City Manager.

Councilman Bartholomew then moved that the Council give a rising vote of thanks and approval to George G. Grant, Finance Director, for the efficient manner in which the affairs of the City were administered during his term as Acting City Manager. The motion was seconded by Councilman Gillis, and the vote was unanimous.

Rabbi Baron appeared before the Council and urged that the City accept the proposal, heretofore submitted by the Chamber of Commerce Inter-Chamber Health Committee to the former City Council, for the consolidation of the City and County public health work into one unit, in order that funds for the maintenance of such work may be secured from the State and Federal Governments while same is available. Following a discussion of the matter, the Council deferred action on same, pending a conference with the County Judge and Commissioners Court.

Councilman Bartholomew then moved that, in view of the above pending matter, the appointment of a City Health Officer be indefinitely postponed, and that in the meantime Dr. Lee Edens continue to act as City Health Officer. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

A committee from the local organization of Boy Scouts appeared before the Council and submitted a proposal in writing that the City allow said organization the use of that portion of Zilker Park lying north and west of Dry Creek and erect thereon, at the City's expense, a suitable building and appurtenances in exchange for the building now owned by said organization at Barton Springs. Following a discussion of the matter, the Council referred same to the City Manager for an estimate of the cost of such building.

The following report of the City Attorney relative to a settlement of delinquent taxes owing on property belonging to the Ebenezer Baptist Church, located at 421 East 6th Street was read:

"Austin, Texas, May 31, 1933.

The City Council and City Manager,
Austin, Texas.

Gentlemen:

With reference to the application of Ebenezer Baptist Church for reduction of city taxes for the years 1927, 1928, 1929, 1930, 1931, and 1932, on the center 30 feet of Lot 4, (G) N. 1/2 of Block 59, Original City, and the claim of said Ebenezer Baptist Church for damages to the amount of \$800.00, alleged to have been caused by the change of grade of the alley abutting said property, and thereby undermining the rear wall of the building situated on said property so as to cause its removal upon demand of the City, both of which

matters have been submitted to me for investigation, I beg to report the following:

TAXES.

Acting under protest of the owner, the assessments against the building on this property were revised by the City Tax Assessor & Collector for the years 1927, 1928, 1929, 1930, 1931, and 1932, but the land value was left as originally assessed. This revision of the assessments on the building resulted in a reduction in the taxes of \$300.00, in round numbers. The matter of revision seems to have been carefully considered, as you will see from the attached letter addressed to the Tax Assessor & Collector by Mr. Ledbetter, a member of the Board of Equalization, and you are referred to this letter for particulars.

Therefore, I would recommend that no further consideration be given to the assessments on the land and on the building, as revised, and that you approve the findings of Mr. Ledbetter, which have been carried to the assessment rolls.

DAMAGES.

I have found from inspection of the property that the City, in paving the alley abutting same, lowered the former grade opposite the building about 20 inches. The building is a very old brick and rubble-stone structure and is in a bad state of repair. The rear wall, which was located immediately on the property line, was gone, and a wooden partition had been erected in its place. There was no underpinning or retaining wall existing at the foundation of the old wall. I am advised that after the paving of the alley, the City authorities noticed that the rear wall was badly cracked and in danger of collapse, and the owners of the property were ordered to remove the wall, which was done, and the wooden partition constructed in its place. I am also advised that the wall was cracked and in a bad state of repair before the lowering of the alley grade; but I am not prepared to state that the lowering of the grade did not weaken the foundation of the wall and contribute to its bad condition when discovered by the city authorities.

If it became evident that the lowering of the grade would weaken the wall foundation, then it became the duty of the City to protect the wall by proper underpinning or a retaining wall; and if the City under such circumstances failed to do this, it would be liable for any damage to the building caused by such failure.

The City Engineer estimates that the cost of a retaining wall at the foundation of this building would cost about \$50.00. The Building Inspector estimates that the value of the wall that was demolished on demand of the City, for reasons above stated, is about \$150.00.

I would respectfully suggest that the taxes against the above property, as revised, be collected; and if and when collected, that the City pay the owners of the property \$150.00 in satisfaction of all damages.

Very respectfully yours,

(Sgd) J. Bouldin Rector, City Attorney. "

Councilman Bartholomew moved that the above recommendations of the City Attorney be approved and that the taxes against the above described property, as revised, be collected, and that when same are collected the City pay the owners of said property the sum of \$150.00 in full settlement of all claims for damages to said property. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The application of J. E. Haire, 209 East 13th Street, for license to operate as a taxicab one 1930, 4-door, Chevrolet Sedan, Motor No. 1171343, State Highway License No. A32-852, was read. Councilman Gillis moved that the application be granted. The motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Bill King submitted to the Council a request in writing for the remission of the fine and costs, amounting to \$15.80, assessed against him on May 29, 1933, in the Corporation Court, for speeding. The matter was referred to the City Attorney for recommendation.

There having been no bids for the office of City Treasurer submitted this day, in accordance with published notice thereof, it was the sense of the Council that the present City Treasurer, Sam Sparks, should continue to act as City Treasurer indefinitely.

A report by T. B. Marshall, Tax Assessor and Collector, on the protest of Jake Silberstein against the assessment placed on his merchandise for the year 1932, which was referred to him for recommendation at the last regular meeting, was read and filed.

The application of R. E. Leigh for a revised permit to construct a gasoline filling station at the southwest corner of Congress Avenue and Riverside Drive was read.

The Mayor then laid before the Council the following:

"Austin, Texas, May 31, 1933.

Hon. City Council,
City of Austin, Texas.

Gentlemen:

We, the undersigned, have considered the revised application of R. E. Leigh for a permit to construct, maintain and operate a drive-in gasoline filling station and grease rack at the southwest corner of the intersection of Congress Avenue and Riverside Drive, same being a portion of the Isaac Decker League within the City of Austin and being located at 400-404 South Congress Avenue, and we hereby advise that the following conditions exist:

- (a) He proposes to construct his filling station on property which is shown on the zoning map as being located within the "C" Commercial Use District.
- (b) A storm sewer exists on the west side of South Congress Avenue opposite the property on which the applicant proposes to construct his filling station and into which waste water can be concentrated.
- (c) R. E. Leigh proposes to comply with all City rules and regulations and ordinances regulating filling stations.
- (d) The property upon which R. E. Leigh proposes to construct his filling station is owned by M. H. Crockett but has been leased to R. E. Leigh as evidenced by an instrument recorded in Travis County Deed Records, in Volume 491, Pages 66 and 67.
- (e) Riverside Drive as dedicated to public use is 40 feet wide and the proposed distance between curbs on this street has been only 26 feet. This left only 7 feet for sidewalk and driveway ramp combined, which would create a ramp too steep for a practical filling station entrance. Mr. Leigh, recognizing this condition, proposes to construct his gutter, curbs, ramp and sidewalk on his Riverside Drive entrance entirely upon his own property, thereby increasing the width of the travelway of Riverside Drive from 26 to 36 feet.

He proposes to permit the general public to use 3 feet of his leased land for general public travel as a part of Riverside Drive during the period of his lease.

He proposes to build the gutter, ramp, curb and sidewalk on the Riverside Drive side of his station, which is to be upon his own property, in accordance with the same principles as he would be required to construct same if they were to be constructed on City property.

We recommend that the permit previously granted to R. E. Leigh and recorded in City Minute Book Volume 14, Page 102, be rescinded and that R. E. Leigh be granted a new permit to construct, maintain, and operate said filling station and grease rack subject to the following conditions:

- (1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.
- (2) That all construction of the filling station improvements shall be in accord with the building ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.
- (3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.
- (4) That all filling station improvements, pumps, driveway ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant, all in accordance with plan No. 2-C-492a.
- (5) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) Orin E. Metcalfe, City Engineer.

G. S. Moore, Building Inspector. "

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the permit granted R. E. Leigh, lessee of M. H. Crockett, as recorded in Minute Book Volume 14, Page 102, be hereby rescinded; and

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the southwest corner of the intersection of Congress Avenue and Riverside Drive, same being legally described as a portion of the Isaac Decker League of Travis County within the City of Austin, Texas, and hereby authorizes R. E. Leigh to construct, maintain and operate a drive-in gasoline filling station and grease rack subject to same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that R. E. Leigh has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The application of Lassberg and Schmedes for permit to construct a gasoline filling station on their property at 1900 San Antonio Street was read.

The Mayor then laid before the Council the following:

"Austin, Texas, May 31, 1933.

Mr. J. G. Morgan,
City Manager,
Austin, Texas.

Dear Sir:

We, the undersigned, have considered the application of Lassberg and Schmedes for a permit to construct, maintain and operate a drive-in gasoline filling station and grease rack at the northwest corner of the intersection of West 19th Street and San Antonio Street, which filling station is to occupy Lot 22, Outlot 23, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and locally known as 1900 San Antonio Street, and we hereby advise that the following conditions exist:

(a) They propose to construct their filling station on property which was originally zoned for "B" Residence District but which property was changed to "C" Commercial District by an ordinance passed by the City Council at its regular meeting held February 16, 1933.

(b) A storm sewer exists on the north side of West 19th Street opposite the property on which the applicants propose to construct their filling station and into which storm sewer waste water can be concentrated.

We recommend that Lassberg and Schmedes be granted permission to construct, maintain and operate said filling station and grease rack subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicants shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before they start any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the building ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the city streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before

commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth in crayon upon the plan hereto attached, which plan bears the City Engineer's file number 2-B-259.

(5) That before use of said station, the owners shall apply to the Building Inspector for final inspection when they consider that they have complied with all the requirements of the City.

Respectfully submitted,

(sgd) Orin E. Metcalfe, City Engineer.

G. S. Moore, Building Inspector. "

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northwest corner of the intersection of West 19th Street and San Antonio Street and being legally described as Lot 22, Outlot 23, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes Lassberg and Schmedes to construct, maintain and operate a drive-in gasoline filling station and grease rack subject to same's being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations and plans, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that Lassberg and Schmedes have failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The report of an audit of the books of account and record of the City of Austin for the period from January 1, to April 30, 1933, made by T. B. Trotter Company, was received and filed.

The City Manager submitted to the Council revised plans for the construction of an auxiliary concessions stand in Zilker Park and he was instructed to call for bids on same.

Mr. D. S. Dixon, representing the S. B. Williams Carnival Shows, appeared before the Council and asked permission to exhibit on the oil mill property on East 6th Street for one week preparatory to going on the road with their shows, which have been in winter quarters here. Councilman Alford moved that the said S. B. Williams Carnival Shows be granted permit to show for one week on the location requested, under supervision of the Police Department. The motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Mayor laid before the Council the following resolution: